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EXAMINER

SRIVASTAVA, VIVEK

ART UNIT

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2611

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9

Please find below and/or attached an Office communication concerning this application or proceeding.

201

# Office Action Summary

Application No.  
09/363,073

Applicant(s)  
Moigan J. Akhavan et al

Examiner  
Vivek Srivastava

Art Unit  
2611



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on May 11, 2001
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 U.S.C. § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5, 7, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (6,151,059) in view of Lemmons et al (6,266,814).

Regarding claim 1, Schein discloses displaying a video, comprising a plurality of frames, on a portion of a display (col 4 lines 53 - 59, fig 1 and fig 7), displaying a first panel (col 4 lines 20 - 30, fig 1, fig 7, panel met by program matrix grid 108) in response to a first signal from a user interface (col 10 lines 52 - 61, col 11 line 44 - col 12 line 36, user interface met by remote control), first panel being displayed on another portion of the display simultaneously with video (fig 7), first panel containing information from at least one of a plurality of records (col 4 lines 19 - 30, fig 7, plurality of records met by cells which make up a particular program), records containing programming information (fig 7 - cells in grid contain television programs), each of the records having an associated time and an associated channel (fig 7 - each cell has an associated

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channel and time i.e. 7:00 pm, 7:30 pm), first panel having an associated time range and associated range of channels (fig 7 - program matrix grid has a time range from 7:00 pm - 7:30 pm and range of channels 4 - 11), selecting a first icon in response to a second signal from a user interface (col 11 line 45 - col 12 line 36, user scrolls and selects right zone icon 230), displaying simultaneously with video a second panel (fig 7, col 11 lines 46 - 57, when user scrolls right zone 230, another panel or grid is displayed with video), second panel having an associated time range that is different than the associated time range of the first panel (fig 7, col 11 lines 46 - 57, when user scrolls right zone 230, another panel or grid is displayed, displaying programs half-hour later i.e. with a different time range 7:30 pm - 8:00 pm), the second panel having an associated range of channels that is the same as the associated range of channels of the first panel (fig 7, col 11 lines 46 - 57, when user scrolls right zone 230 to display future programs in a different time range, channels must inherently remain the same so the user can see the future programs on the particular channel after scrolling and since the user is scrolling to the right and not scrolling down).

Schein discloses advancing the EPG is chronological time, thus displaying a EPG grid with a different time range, by selecting an icon in response to signals from a user remote. Referring to figure 7, when a user selects icon 230, the time panel changes by advancing in chronological time by 1 hour by displaying programming and records which are in a different associated time range i.e. from 8:00 pm to 8:30 pm. Thus everytime a user selects time bar 230, the EPG advances 1 hour showing panels and records with a different associated time range with each selection

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Schein fails to disclose selecting a second record in response to a third signal from a user interface, where second record has an associated time and an associated channel, where associated time of second record is outside of associated time range and in response to selecting a second record, displaying with video a second panel.

Lemmons teaches advancing an EPG in chronological time by actively selecting a record, wherein each time a user selects a record by depressing a right arrow key, the EPG advances in chronological time thus changing the associated time of the record. Lemmons specifically teaches by continuously pressing the right arrow key on the user interface (i.e. generating a first signal, second signal etc.) additional program titles for later time periods can be displayed (col 21 lines 52 - 67). As later time records and panels are displayed, the associated time range changes.

It would have been obvious selecting the actual record by generating a first signal, second signal etc. in the EPG of Schein would have provided a simpler means for advancing the EPG in chronological time to show panels and records with different time ranges and would have obviated the need for special icon 230 for advancing the EPG. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Schein to include selecting the first and second record as claimed to provide a simpler EPG system which does not need a special icon to advance the EPG.

Considering claim 3, Schein discloses the claimed first and second panels are EPG grids (fig 7, col 11 lines 49 - 57, second panel matrix grid is displayed when user scrolls right zone 230 to view later programs displaying a different panel with respect to programs and program times) ,

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each EPG grid containing a plurality of cells (fig 7), and cells containing information from records (fig 7, cells contain program records).

Considering claim 4, Schein discloses the claimed first panel is removed from the display before the second panel is displayed (fig 11, fig 12, col 11 line 66 - col 12 line 36).

Considering claim 5, Schein discloses the step of displaying at least one of another information banner and another EPG grid (fig 11, fig 12, col 11 line 45 - col 12 line 36, user can scroll another half hour to display an EPG grid or can select another banner for another show at another time).

Considering claim 7, Schein discloses wherein the records are digitally transmitted with the video (col 10 lines 4 - 14, col 5 lines 7 - 17).

Considering claim 8, Schein discloses a remote control for a television (col 3 line 56 - col 4 line 4).

Considering claim 10, Schein discloses programming a video recorder to record the selected record (col 5 lines 59 - 63, col 10 lines 62 - 67, col 13 lines 13 - 63).

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein in view of Lemmons as applied to claim 1 above, and further in view of Davis et al (5,822,123).

Considering claim 2, Schein and Lemmons fail to disclose the claimed first and second panels are banners.

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Schein discloses displaying a banner with a video. Davis teaches overlaying a first panel or banner having an associated channel and time range on a video (fig 5, fig 44B), wherein a second banner displaying the same channel information and second time range can be displayed enabling a viewer to view programming information for later or earlier times (col 16 lines 4 - 24). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to include banners as the first and second panels in the combination of Schein and Lemmons to provide a viewer with detailed programming schedule information for later or earlier times.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein in view of Lemmons as applied to claim 1 above, and further in view of Doherty et al (5,999,227).

Considering claim 6, Schein and Lemmons fail to disclose the claimed display is a digital television. Doherty teaches a digital television has several advantages including the reduction of artifacts, increases resolution, and better overall clarity (col 1 lines 14 - 19). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify the combination of Schein and Lemmons to include a digital television to provide a better quality displayed image.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein in view of Lemmons as applied to claim 1 above, and further in view of Berezowski (6,064,376).

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Considering claim 9, Schein and Lemmons fail to disclose the claimed wherein each of first and second panels comprise a minor portion of the display.

Schein discloses displaying a program guide panel and a video simultaneously. Berezowski teaches a need may arise to display a large video with a minor portion of the display dedicated to a program guide panel and that displaying a larger image avoids distortion due to compression (col 6 lines 50 - 55, col 7 lines 18 - 48). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify the combination of Schein and Lemmons to include displaying the first and second panel on a minor portion of the display to provide a larger image with less distortion due to compression.

### ***Response to Arguments***

In contrast to applicant's understanding of the "automatic scrolling" in Macrae, the Examiner asserts that the EPG grid is not "automatically" scrolled to programming which is advanced in chronological time. User must first select or move the cursor to the end of the of the EPG grid, then it is automatically scrolled or advanced to show future programming. Applicant's recite a passage from Macrae, in column 15 lines 36 - 49 which states:

When the user has selected a title, or moved the cursor to onto a title using the directional keys of the IR remote, the color of the title will change, and its is said to be "highlighted." In screen displays that include



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program titles, different types of programming can be represented by tiles of different colors.

If the highlighted tile is near an edge of the screen display, the screen display will automatically “scroll” to bring the highlighted tile near the center of the screen display. Certain screen displays do not allow the highlighted tile to be at the edge of the display screen unless no information is contained off screen beyond the edge of the display screen.

In particular, from the above passage, Macrae discloses “when the user has selected a tile, or moved the cursor onto a tile using the directional remote” and “if the highlighted tile is near the edge of the screen display, the display screen will automatically scroll.” It is clear from this disclosure that in order for a user to advance the EPG in chronological time, a user must move the cursor or select a cell at the edge of the EPG to highlight the cell and to advance the EPG in chronological time. In other words, the EPG cannot be advanced in chronological time unless the tile at the edge of the screen is selected. .

In any case, Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

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*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Young et al (5,353,121) - television schedule system

Bedard (5,801,747) - creating a television viewer profile

Lemmons et al (5,880,768) - interactive program guide

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308- 5399 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038. The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andy Faile, can be reached at (703) 305 - 4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

VS 2/21/02

  
**VIVEK SRIVASTAVA**  
**PATENT EXAMINER**